



# **Strategic Directions 2000-2005**

## **Progress Report for 2002 — Programs**

January 2003



**Legal Services Corporation  
Strategic Directions 2002-2005  
2002 Progress Report for Programs**

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## **Introduction**

In my capacity as Vice-President for Programs, I am pleased and proud to provide to the LSC Board of Directors this third progress report documenting the work of the Programs staff at LSC — OPP, OIM and its consultants, and the staff of the Vice President for Programs (and her consultants)-- in addressing the challenges placed before us in January 2000 by the LSC Board of Directors. In January 2000, the LSC Board of Directors adopted a strategic planning document entitled Strategic Directions 2000-2005. This document established twin goals to be attained by the national legal services community by 2004: to dramatically increase the provision of legal services to eligible persons; and to ensure that eligible clients are receiving appropriate and high-quality legal assistance. Strategic Directions 2000-2005 also identified anticipated outcomes, including: increased numbers of clients receiving legal services appropriate to the legal issues they encounter; expanded relevancy of the delivery system to the most pressing needs of low-income clients, with clients themselves taking a leading role in this effort; an expanded range and improvement in the quality of services provided by legal services programs; and finally, greater consistency in the quality of legal services programs. State planning is identified in this Board document as LSC's key strategy to achieve the goals stated above.

Because state planning was identified as the Board's prime strategy for fulfilling the mandate of Strategic Directions 2000-2005, a brief review of LSC's state planning initiative is probably in order. LSC's State Planning Initiative began in 1995 primarily in response to the programmatic changes and budget cuts that were threatening the very survival of legal services delivery across the nation. State planning was built on the understanding that states and territories serve as the relevant geographic areas of a planning focus for developing strategies to meet the civil equal justice needs of poor and vulnerable people. Several years later, in 1998, state planning became a key LSC strategy to achieve access and to improve the quality of services. LSC specifically announced its intent to put resources into the creation of comprehensive, coordinated, and integrated state legal services delivery systems in Program Letters 98-1 and 98-6. These program letters declared that LSC was no longer limiting its focus on outcomes for clients within and by individual programs, but rather it believed that quality legal services could be delivered only in a statewide context. It challenged each state to examine its organizational structures, its use of technology, intake systems, resource development, and private bar involvement through a statewide lens.

In late 2000 — eleven months after the adoption of Strategic Directions 2000-2005 — LSC issued its fourth program letter on state planning that set forth expectations for each justice community. These expectations, for purposes of brevity, can be summarized as follows: *a delivery system in which eligible clients in every state are afforded an equal opportunity to avail themselves and ultimately to attain high-quality civil legal assistance.*

The LSC Programs staff have worked assiduously these past several years to help create a world-class national legal services delivery system in *which eligible clients in every state are afforded an equal opportunity to avail themselves and ultimately to attain high-quality civil legal assistance*. However, as we moved to address the Board's mandate, we quickly realized that the creation of a world-class delivery system involved more than "state planning," per se. After all, we do not pursue state planning because we are "planners" by education or trade—most of us, indeed, are first and foremost legal services attorneys and advocates. And we do not pursue state planning because we love planning. We don't really love planning—at least most of us do not. We love legal services and are committed to making legal services better. And frankly, we do not pursue state planning because we want our "naysayers" to believe that LSC has reformed itself. We pursue state planning because we believe that our low-income clients deserve the highest quality service that can be made available to them despite our limited funding. Accordingly, in our quest to create world-class justice communities in each state and territory in this great country, we began to focus on other initiatives that were, to us, just as important as state planning to the creation of a delivery system in *which eligible clients in every state are afforded an equal opportunity to avail themselves and ultimately to attain high-quality civil legal assistance*. I often refer to these initiatives as state planning's companion initiatives, and these initiatives — competition, the quality initiative, the diversity initiative, technology initiative grants, the matters initiative, our efforts to enhance services for self-represented litigants, the Legal Resource Library, to name just a few — have become as important to the creation of a world-class delivery system as state planning has proved itself to be. These, companion initiatives and the hard-working and talented staff who carry out these initiatives, work hand-in-glove with the equally well-qualified state planning team to promote the development of high quality, world-class delivery systems.

In January 2000, we issued our first progress report to the LSC Board of Directors describing our efforts to help build premier justice communities throughout our country. We issued our second report in January 2001. In this third report, we have decided to present our work to you in a fashion slightly different from the format we have used in the past two reports. Because we have learned over the years that premier delivery systems have two primary legs upon which they ultimately stand or fall — healthy and vibrant LSC-funded programs and healthy and vibrant state justice communities to which all LSC- funded programs belong — we will present our work in this third report in terms of our activities to promote healthy programs and healthy state justice communities. We believe this format will provide the LSC Board of Directors a complete and true picture of the work we pursued in 2002 to build legal services delivery system in which no eligible client is turned away, and in which every eligible client is provided high quality legal services.

We thank the LSC Board of Directors for giving us this opportunity to present our work. More importantly, we thank the LSC Board of Directors for giving us the opportunity to improve a legal services delivery system that is so valuable to our clients, so essential to a democratic way of life, and so very important to all of us. The Legal Services Corporation exists to help our clients address their legal wrongs and promote their legal rights. To the extent that we have been given the opportunity to participate fully in addressing this important and primary mission of LSC, we have been truly fortunate.

## **I. Structural Changes in the Delivery System**

Since 1998, LSC has initiated and overseen significant structural changes in the number and configuration of LSC-funded programs in order to develop more powerful and effective state delivery systems. The Office of Program Performance (OPP) staff have assisted LSC grantees and state justice communities with this change process in a number of ways, including the provision of significant technical assistance to help with planning and implementation. In 2002, LSC made \$60,000 available to help six states develop effective plans and \$130,000 to assist nine states institute new delivery structures. Significant staff resources also have been devoted to on-site visits and to sharing information and best practices, targeting programs undergoing consolidation.

### **Planning for Change**

- **Technical Assistance for Planning.** In 2002, LSC gave technical assistance to Alabama, Arkansas, Mississippi, Missouri, Montana, and New York, enabling these six states to obtain important consulting and facilitative assistance with configuration and overall planning.
- **Configuration Changes.** Nine states completed configuration planning in 2002 and submitted proposals for significant structural change, with completion dates in 2003 and 2004. Each of these states received LSC planning assistance funds. Configuration planning commenced in another six states.

### **Changes Effective in 2003**

- **Iowa.** Iowa will become one statewide service area. The Legal Services Corporation of Iowa, which serves 98 of Iowa's 99 counties, has absorbed the assets of the single county Polk County program and changed its name to Iowa Legal Aid, reflecting its expanded service area.
- **Michigan.** After years of effort, 10 basic field service areas have been consolidated into five. The new configuration improves opportunities to increase resources and access and achieve greater equity in client service.
- **New Jersey.** The state's 14 service areas have been consolidated into a much more manageable six. One of our most highly integrated and comprehensive delivery systems, New Jersey is now poised to deliver even better services to low-income persons.
- **North Dakota.** Two separate Native American service areas and two Basic Field service areas have been combined into one Native American area and one Basic Field area, and a grant for both made to a single program. This will yield more geographically equitable service, especially for Native American clients.

### **Changes Effective in 2004**

- **Florida.** Twelve LSC-funded service areas have been combined into seven regions. Under Florida's plan, which was accepted by LSC this summer, the LSC-funded programs will continue to anchor the delivery system and provide the lion's share of basic legal services to low-income residents.
- **New York.** The New York plan, also accepted by LSC this summer, reduces the state's 14 service areas to seven. By combining many of the smaller service areas, the new configuration establishes a sturdier platform for client services and the future growth of New York's equal justice system.
- **Alabama.** Alabama has just submitted its plan to consolidate three service areas into a statewide program. Planners believe this will improve coordination of resources with LSC and non-LSC programs, and assure uniform delivery of services to clients throughout the state.
- **Missouri.** Missouri's Legal Services Commission, with appointees from the state Supreme Court and Missouri Bar, recommended consolidation of the state's LSC service areas into one LSC-funded program, beginning in 2004.
- **Mississippi.** After a year of planning, Mississippi has committed to producing a reconfiguration proposal by January 15, 2003.

### **Future Changes**

- **Massachusetts, Minnesota, Ohio, Oregon, Puerto Rico, and South Dakota.** These five states and one territory received notices of configuration concern from LSC in 2002. Nearly all have experienced structural changes in their delivery systems since 1995. Now each will embark on a review of the efficacy of current configuration patterns, and report to LSC on their studies in 2003.

### **Implementing Change**

- **Assistance to Merging Programs.** LSC staff give substantial assistance to merging programs. In 2002, programs merged or prepared for merger in Iowa, Louisiana, New Jersey, North Dakota, Wisconsin, Texas, and New Mexico. Our efforts with these programs varied depending on need. We wrote checklists of merger issues to consider during the merger process and shared model documents developed by other programs. When asked, LSC made available information on consultants with special expertise in merging non-profit entities. We referred programs to peers that had successfully addressed similar merger challenges. Over and above assisting with the technical aspects of merger, we helped programs resolve issues that interfered with

creating and maintaining a comprehensive integrated delivery system in the reconfigured service area.

- **Special grant conditions for programs that merged in 2002.** Our special grant conditions required periodic submission of written progress reports on achieving a comprehensive integrated delivery system. Programs in California, Illinois, Kentucky, Louisiana, Michigan, Mississippi, North and South Carolina, South Dakota, Tennessee, Texas and Virginia received special grant conditions. In many instances, LSC staff responded to their reports with written feedback.
- **Technical Assistance to Assist with Consolidations.** In 2002, LSC gave \$130,000 in merger technical assistance to nine states: Arkansas, Iowa, Louisiana, New Mexico, North Carolina, South Dakota, Tennessee, Texas and West Virginia. This money underwrote assistance for technology; leadership and team building; labor relations, including salaries, benefits, pensions and revised personnel policies; fund balances; due diligence and other merger-related legal work; office space and insurance; planning committee efforts; changes in intake, hotlines and case management systems; and other consolidation issues. In two states, our funds helped leverage new resources.

## **II. Quality Improvement**

At the core of powerful and effective delivery systems are high quality legal services programs. OPP staff work with grantees to enhance the quality of their work through ongoing contact, through LSC's Library Resource Initiative (see section IV), and through program visits. Program visits allow staff to monitor program developments, to learn about problems, and to develop new strategies for expanding access and enhancing quality.

On-site reviews take a number of forms. Technical assistance visits are conducted after LSC receives a request from a program for assistance in a particular area such as intake systems, legal work management and supervision, or technology. Program inquiry visits are designed to gather information and to give LSC additional knowledge about programs that have not been visited recently. Program inquiry visits also occur when LSC staff believe that certain challenges facing the program need LSC's attention. TIG visits are made to Technology Initiative Grant (TIG) recipients. (In 2002, we visited programs that received TIG funding in 2000 and 2001 to review technology progress under the grant.) Finally, post-reconfiguration visits occur two years after a service area has been reconfigured to assess how well the program is serving the new service area and the extent to which the restructured organization is operating cohesively.

OPP conducted 14 on-site visits in 2002. All fourteen visits lasted several days (one required 10 business days due to the size and location of the program), and involved two to five persons. Consultants sometimes served as team members, and often OPP technology staff joined teams to lend their special expertise.

- **Program-inquiry Visits.** Occurred in Oklahoma, New York, Wisconsin, Delaware, and Wyoming. In addition, program-inquiry visits conducted in combination with state planning visits took place in the District of Columbia, Alaska, Kansas, and Hawaii.
- **Post-reconfiguration Visits.** Occurred in California, Colorado, and Arizona.
- **Technical Assistance Visits.** We responded to requests from programs in Arkansas and Maryland for technical assistance visits.
- **TIG Visits.** In addition to the 14 on-site program quality reviews, OPP technology staff visited our 2000 and 2001 Technology Initiative Grant (TIG) recipients in Indiana, South Carolina, Pennsylvania, Mississippi, Illinois, and Tennessee.

### **III. Diversity, Leadership and Inclusion**

Early in 2002, LSC invited a small group of national leaders with a deep interest in promoting multicultural diversity to advise LSC on how best to help grantees reach their diversity goals. The advisory committee's preeminent project was to help create and produce a training tool on leadership and diversity for program boards and managers. This resource was completed in November 2002. In 2002, LSC acted on several other items listed in its Action Agenda on Diversity, a summary of ideas and suggestions raised in LSC's 2001 national conversations on diversity.

- **Board Training Module on Leadership and Diversity**

This resource is intended to assist programs with diversity initiatives and guide grantee board and management discussions on the importance of diversity in providing high-quality and appropriate services to clients. It can be used in conjunction with regular board trainings or as a stand-alone device. *Leadership and Diversity: The Link That Promotes Effective Delivery of Legal Services* was tested with good results at two sites — a statewide program in the northeast and a large southwestern program. Early in 2003, the module will be given to every LSC-funded program. We anticipate that the module will increase commitment to building a multi-culturally competent staff and services that reflect the diverse backgrounds of client communities by engaging boards in candid conversations and exercises on fostering inclusion, cultivating new leadership, and expanding diversity parameters in their programs. Program staff research, (explained below in Collecting Diversity Data), indicates that many program boards and managers need to reemphasize diversity in staff recruitment, promotion, and strategies to reach overlooked client groups.

- **Education and Outreach**

*Southeast Project Directors Association.* LSC organized a well-received panel at the SEPDA Conference to showcase how well two state communities of justice and two programs used reconfiguration activities to expand diversity within staff and volunteer ranks, and for instituting programmatic measures that will generate a new cadre of leaders in the legal services community.

*Virginia Annual Legal Aid Conference.* At this statewide training event, we joined a panel that addressed how legal services programs and equal justice communities can effectively recruit and retain a diverse work force, among other critical diversity activities. Later in 2002, building on this panel, the Virginia State Planning Assembly began creating an action plan of goals for obtaining diverse staff and boards, growing a diverse corps of leaders and deeper engagement with the client community.

*Other Public Forums.* Vice President for Programs Randi Youells repeatedly highlighted diversity's essential role in a healthy and effective legal services system in talks she gave throughout the year to program staff, civil justice leaders, and state justice communities. In this way, the LSC diversity message was delivered locally in states like Arizona and Montana, and nationally through articles in the *MIE Journal* and *NLADA Update*. She promoted diversity in speeches she was invited to give to partner organizations — the combined Conference of State Court Judges and Conference of State Court Administrators, the International Legal Aid Group and through the Ontario (Canada) Legal Aid Speakers Series. Our commitment to a nuanced approach to diversity was apparent in each meeting of the LSC Board Provisions Committee as staff regularly reported on activities in this area, and presenters invited from our programs reflected the importance of inclusion in the topics they addressed and in the communities they represented.

- **Leadership Mentoring Efforts**

Responding to a concern raised at LSC's 2002 conference for directors of statewide programs, we designed a pilot mentoring project for new statewide program executive directors. In its initial phase, the project matched two new statewide program directors with an experienced one. The three convened at each other's programs and over the telephone to explore topics such as executive leadership, managing change, and state planning in states with one LSC grantee.

- **Collecting Diversity Data**

*Through the Competition Process.* Through its competitive grant process, LSC obtains and reviews substantial data on an applicant's capacity to respond to a diverse client community. Using this information, LSC can learn how each applicant proposes to diminish client access barriers including cultural, geographic, and language barriers; how the applicant will engage clients with access barriers; the

racial, ethnic and gender distribution of the applicant's staff; strategies used to recruit, retain, and promote diverse staff; training events that address diversity; and how the organization is building leadership that is diverse.

*Using Case Service Reports.* CSR's, which grantees are required to submit annually to LSC, contain data on program staff as well as on cases closed during a calendar year. Early in 2002, we reported on our examination of 1996—2000 data on gender and race of executive directors of LSC-funded programs. We discovered that reconfiguration, within the confines of state planning, did not diminish the percent of minorities and women in leadership positions in our programs. We saw that, despite vigorous efforts to increase diversity in state justice communities and particularly in leadership positions, the ethnic profiles of our executive directors remained virtually unchanged, and the number of women directors was significantly lower than their percentage in the attorney workforce. Later in 2002, we were able to study the 2001 data. These indicated that the number of directors of color rose from 16 percent to 21 percent of the director population. Unfortunately, the data also showed that the number of women directors continues to lag behind their increasing presence in our grantees' attorney ranks.

#### **IV. Identifying and Sharing Best Practices**

Legal services programs often pioneer creative responses to the challenge of high quality, effective services for clients. At LSC, we are frequently impressed with the range of novel approaches that practitioners have devised.

In October 2002, we launched the LSC Resource Library Initiative (LRI), a website committed to ensuring that LSC programs are aware of and have access to innovations in civil legal services work. The project is dedicated to raising the standard of practice in legal services programs by encouraging the cross-fertilization of innovative practices through facilitating the voluntary exchange of exemplary practices. LRI showcases a variety of original and effective activities ranging from how to conduct a comprehensive strategic planning process to new ideas for serving hard-to-reach populations. Ten weeks after OPP launched LRI, site activity reports showed that users had viewed approximately 15,500 pages. LRI is available online at [www.lri.lsc.gov](http://www.lri.lsc.gov).

#### **V. Managing Information to Improve Grants Administration and Program Quality**

LSC's Office of Information Management (OIM) along with OPP recently launched the Electronic Grants Award Letter (EGAL) system. This initiative permits LSC to distribute grant award letters electronically from a secure website. EGAL's benefits include an electronic archive of competitive grant contracts, immediate access to digital grant award documents, reduction in administrative cost, and faster and more efficient transmittal of information to

grantees. Similarly, OIM revised the electronic Grant Renewal Application to accommodate new information sought by LSC and to ensure greater ease for users.

During 2002, OIM obtained the 2000 Census figures, at state and county levels, and devoted substantial time to calculating poverty population for each of our grantees' service areas under these new figures. This information was supplied to all grantees and will be the basis of our grant awards for the next decade.

LSC is committed to providing the United States Congress and the public with the most accurate information possible. Closed case statistics form a major component of the program activity data collected by LSC, and are a critical measure of the impact of federal funding on the legal problems of people living in poverty. Therefore, it is essential to assure the accuracy of the CSR data. Each year, OIM staff assists our grantees in verifying the reporting of CSR data through the annual self-inspection process.

The purpose of the self-inspection process is to give our grantees a means to ensure that their CSR data meet LSC standards for accuracy. In January of each year, LSC distributes a Case Review Form. The Form contains a list of questions that identify key requirements that need to be met in order to report a case to LSC. Grantees statistically "sample" the cases closed in the previous year to determine if the "sampled" cases generally meet the requirements for reporting cases to LSC. If ten percent or more of the cases sampled in the self-inspection process have problems, then LSC assumes that there are overall problems within the grantee's case closing records, which may affect the accuracy of the CSR data. In the event that the self-inspection process does reveal problems, grantees are asked to consult with LSC to determine the appropriate corrective action. All grantees are required to submit their Self-Inspection Certification and Summary Forms to LSC in March of each year for the previous year. The information is turned over to LSC's Office of Compliance and Enforcement, which is responsible for monitoring the accuracy of the CSR system and CSR data.

## **VI. Technology**

Strategic Directions 2000-2005 identifies technology as a primary strategy for enhancing client access to services. We have observed that many more clients receive some assistance when technologically sophisticated intake systems are installed. Computerized and web-based self-help programs make high quality information available to those who would be denied aid because of resource limitations and case acceptance criteria. Technology innovations can improve full representation through quicker legal research and information gathering capacities. Finally, stronger technology systems allow a program's staff to experience more effective supervision and coordination.

The Technology Initiative Grant Program (TIG) is LSC's most powerful tool to help programs ramp up existing technology systems. In 2002, 55 TIG awards were granted. The improvements and projects they funded are discussed below (see Section VII. Training, Section

IX. Pro Se Enhancement, Section XI. Pro Bono Enhancement, and Section XII. Intake Enhancement).

### **The Technology Initiatives Grant Program**

LSC received 98 grant applications for the 2002 TIG funding. Screening them required seven review sessions with outside panels, internal review sessions, and special sessions with OPP staff to analyze how the applications affected program quality and state planning concerns. Staff recommendations went first to Vice President Randi Youells and then to President Erlenborn for final funding decisions.

LSC's 55 TIG grants totaled \$4.4 million. They foster our objective of improving access to justice for clients. For example, the grants will allow:

- Alaska to install computers in six courthouses with access to legal information and self-help materials on the statewide legal services website.
- Guam to put 21 computers in the village mayors' offices, with access to legal information and self-help materials that are mounted on a new statewide website.
- Maryland to create a web-based pro se litigant support system for some of the 24 court-funded assisted pro se programs. Users will be able to view their own personal web pages as "personal case account managers," and resource their files. In development is information about a panel of attorneys to provide "unbundled" services and mediators who offer free services to pro se litigants.
- Orange County, California to expand the I-CAN! (Interactive Community Assistance Network) services to include an Earned Income Credit module. Low-income workers will be able to complete the Schedule EIC and related tax forms, and file them electronically. The Internal Revenue Service is a partner in this project.
- Washington State to support their joint courts/legal services planning for the effective utilization of technology resources for self represented litigants

Expanding on earlier grants for statewide websites, LSC made 12 new awards, bringing the total number of states that are building and maintaining statewide websites to more than 40. These sites enable a state's residents to benefit from centrally maintained and up-to-date resources for legal information and self-help materials.

## **VII. Training**

Many areas of poverty law are highly specialized. To ensure top quality representation, legal workers need ongoing training in new and complex areas of law. Low levels of funding

and the absence of state, regional and national poverty training materials and teachers can diminish opportunities for staff education on substantive poverty law issues. Through the competition process, our work with state justice communities and with TIG funding, LSC helps grantees meet critical training needs. In 2002, we designed several new approaches.

### **New Lawyer Training Project**

Pursuant to a contract with the National Center on Poverty Law, NCPL held training events at nine sites nationally on conducting poverty law research via the Internet and other web-based tools. The training was structured to allow participants to subsequently train colleagues who did not attend the sessions. These events were so popular that NCPL replicated them at new sites, not funded under the LSC contract.

The LSC contract required NCPL to produce a 250-page Poverty Law Manual that introduces advocates to the fundamentals of poverty law. A hard copy of this manual was distributed to all new legal services attorneys in the country. It is available electronically at NCPL's website.

### **Technology Grants Focused On Training**

Two 2002 TIG awards focus on training. In one, Legal Services Law Line of Vermont, Inc. will make nationally available on-line the core curriculum of the Legal Services Training Consortium of New England, and provide a platform for other legal services organizations to obtain distance learning opportunities, allowing advocates to get skills training without the usual financial and travel costs. In the second, Legal Aid Society of Orange County will create a national technology training and curriculum project to build capacity across many audiences within the legal services community. This will extend the implementation of model technology innovations that improve justice for low-income clients.

### **Technology Technical Assistance Days of Service**

OPP staff offer hands-on technology training by building on national legal services events. One example is our "Day of Service." This project is supported by our TIG funds and is organized by the National Technology Assistance Project (NTAP). A Day of Service occurs on the day before the opening of a national conference. The technology staffs of all the programs attending the conference (including OPP staff) convene the day before the conference begins to lend technical expertise to the legal services program in the host city. Days of Service have benefited Legal Aid Society of Cleveland (in conjunction with the ABA/NLADA Equal Justice Conference), Legal Action of Wisconsin (prior to the NLADA Annual Meeting), and Greater Orlando Area Legal Services (in conjunction with the Nonprofit Technology Enterprise Network (N-TEN) Conference).

Another innovative project that is held on conjunction with national legal services meetings is our Cyber Café. In 2002, we hosted a Cyber Café at both the NLADA Annual Meeting and at the Equal Justice Conference to give Internet access to conference participants,

allowing them to check their email. Our Cyber Café also allows technology staff from around the country to demonstrate new software and discuss technology resources with conferees.

## **VIII. Measurement and Evaluation**

It is crucial to the strategic planning process to measure the volume of our grantees' work and to evaluate the success of their approaches. To this end, OPP has built systems for determining the effectiveness of our strategic initiatives. Described below are measures we have been refining over the past year to capture information on the effects of state planning, the amount and type of service that programs give, client outcomes, program delivery systems, and the impact on services of our technology grants.

### **State Justice Communities Planning Initiative Evaluation Instrument**

In order to insure the highest quality and maximum level of services to potentially eligible clients in each state, and so that the goal of meeting those needs will be realized, LSC has developed the State Justice Communities Planning Initiative Evaluation Instrument. A design team of 14 representatives from the legal services community — including providers, clients, courts and other stakeholder entities — worked assiduously over the year to produce a tool that will be tested in 2003, revised pursuant to that process, and ultimately used nationally. The instrument is designed to assess the health and vibrancy of each state justice community/state legal services delivery system, establish benchmarks against which further progress can be measured, and begin to gather data to allow comparisons of state justice communities.

### **State Planning Self Evaluation Process**

Pending implementation of the State Planning Evaluation Instrument, LSC responded to and engaged state justice communities around the self-evaluations reports they sent in pursuant to Program Letter 2000-07. Our feedback focus is on the relationship between the structure of a delivery system and its capacity to provide client access to a full range of services no matter where in the state the client resides, while at the same time anticipating and providing for clients' emerging legal needs and aspirations.

### **Analyses of Case Closing Data**

Program staff from the Office of Information Management reviewed Case Service Reports (CSR) for 1991 through 2000 to discern trends in the types and numbers of cases closed by grantees. Their analysis revealed that most programs experienced declines in cases closed during periods of dramatic funding reductions and before they (with and without LSC assistance) aggressively sought other forms of funding (e.g., mid-1990's). In spite of a diminution in cases closed, however, programs showed remarkable stability in the kinds of cases they reported. The data indicate correlations between the number of brief service and/or counsel and advice cases closed and the institution of telephone intake systems. They also show that the percentage of

extended service cases also grew, demonstrating that LSC grantees continue to vigorously represent clients in the more traditional forums of administrative hearings, mediations, and trial and appellate courts even as they institute innovative full-service intake systems. Our study, reported nationally by Randi Youells at the Conference of State Court Judges and Conference of State Court Administrators, also vividly illustrated what we do not know about our grantees' work — the difference it makes in clients' lives and how it has benefited the community.

### **Measurement of Services Programs Provide in Addition to Cases**

Some low-income persons who seek assistance at LSC programs need only legal information, guidance with self-representation or a referral to an organization more appropriate to their needs. LSC has stressed the merit of these limited services through several strategies, including technology grants to support statewide websites, LRI to share innovative practices, and state planning requirements that touch on pro se assistance, community legal education and similar services.

The matters reports allow OPP, for the first time, to learn about the type and volume of grantee work that does not constitute "cases." These activities include community legal education, some forms of pro se assistance, referrals, outreach, indirect services including training to non-legal advocates who help low income people, and other services, including mediation and alternative dispute resolution.

Although we collected data on matters work undertaken during the last six months of 2001, we were not able to analyze and report on them to the LSC Board and on our website until 2002. More than two million people received significant matters services from grantees in the second half of 2001. All but one of the programs provided community legal education, 89 percent engaged in outreach activities, and 75 percent disseminated pro se information. Grantees reported providing referral information to more than 530,000 people. The importance of matters services to the low-income community is demonstrated in our report, which also includes summaries of innovative approaches that have allowed grantees to offer clients services that do not fall into the "cases" category, but are nonetheless significant.

The matters report is at <http://www.lsc.gov/Websitedocs/MR080802.pdf>.

### **Measurement of Outcomes**

Development of an outcome measures reporting system to supplement or replace LSC's CSR system is underway. In 2002, LSC posted a Request for Information in the Federal Register, as the first step to issuing a Request for Proposals to develop an outcome measurement system. In late 2002, LSC hired an experienced consultant to study and report on existing systems in the legal services community and make recommendations on approaches LSC could adopt.

### **Measurement of Quality through Quality Review Visits**

LSC expanded its on-site program reviews to include internal protocols for visiting recently merged programs and for evaluating a program's closed case statistics. The purpose of the former is to learn whether all elements of a newly merged program are functioning cohesively, and to identify areas where technical assistance may help achieve a unified operation. Protocols on closed cases will ensure the consistent application of our analysis factors. Both new protocols will be used by staff and consultants who review programs and in their reports and recommendations based on the reviews.

### **Measurement of Quality through the Grant Application Process**

Through the competitive grants process, LSC evaluates an applicant's capacity to provide effective and efficient high quality legal representation to eligible clients. Assessments also are made of an applicant's participation in an integrated delivery system that seeks to make the most efficient use of all resources, strives for innovations in delivery mechanisms and creatively involves the private bar. Criteria and standards used to measure the strength of a legal services delivery network are derived from the LSC Act and regulations, LSC Performance Criteria, American Bar Association (ABA) Standards for Programs Providing Civil Pro Bono Legal Services to Persons of Limited Means, and ABA Standards for Providers of Civil Legal Services to the Poor.

Recently, LSC examined its competitive grants process, through a series of discussions, and surveys and interviews with consultants, LSC grantees and staff, to determine its effectiveness in measuring an applicant's capacity to provide high quality, client-centered legal services. The results demonstrated that our process is a useful and effective tool for assessing the quality of legal services delivery. Suggestions on how to improve the current process were implemented and, as a result, LSC will be sending feedback letters to applicants that filed grant proposals for 2003 funding to begin a dialogue about the applicant's delivery system based on the grant application. Additionally, our Request for Proposals now encourages applicants to describe the quality of their delivery approach, the unique features of their service area and any model projects.

### **The Evaluation of Technology Projects**

TIG funds support the Technology Evaluation Project, an initiative of the Legal Aid Society of Cincinnati. The Project creates evaluation instruments for statewide websites, also supported by TIG awards. Created over the course of the year, the tools were distributed to programs for comment at the end of 2002. User feedback is expected early in 2003, after which the tools will be modified if necessary and distributed. When perfected, the tools will allow programs to evaluate their technology projects during implementation phases to both assure successful completion and, ultimately, to determine whether their goals were achieved.

## **IX. Pro Se Enhancement**

One of the best ways to help the approximately 80 percent of low-income persons who need legal assistance but must do without, is to arm self-represented litigants with quality information and assistance. LSC does this in two ways. One is by giving self-help assistance directly through our programs (such as with the I-CAN system and the statewide websites) and the second is by enhancing existing efforts on behalf of pro se clients.

### **TIG Pro Se Efforts**

This year, TIG made 40 grants that directly touch on pro se. Eighteen were website renewal grants to statewide websites begun in previous years. Thirteen were for new statewide websites. An additional nine were for other pro se projects. One put self-help computers in each of Guam's 21 mayors' community offices; another put self-help stations in six remote courthouses in Alaska. A third, made to Atlanta Legal Aid (partnering with Georgia Legal Services), built on earlier efforts by AARP and created Self Help Offices (SHO) for an urban setting (Atlanta) and a rural setting (a mobile office that will move from community to community).

TIG staff presented the TIG-funded I-CAN project from Orange County, California to the Virginia Court System. We also organized a conference on document assembly software in New York City. At that event, legal services personnel, court personnel, and other technology experts saw demonstrations by four companies on their products, and assessed their utility for preparing pro se documents. After weighing the options, we arranged for a donation from Lexis of their HotDocs document assembly software for each state, which will greatly enhance the availability of legal forms that lay people can easily fill out online.

Recognizing that self-represented litigants are a challenge for court systems, LSC has collaborated with the National Center for State Courts, the State Justice Institute, the American Judicature Society, Pro Bono Net, and Zorza Associates to create a website resource center for professionals involved in self-help projects. This is one of several endeavors by an ad hoc pro se group that has continued to work jointly on enhancements for pro se since it was first organized, in 2000 at LSC's charter TIG Conference. In June, at the Annual Conference of Chief Justices-Conference of State Court Administrators, LSC held two sessions on successful self help initiatives, and met informally with judges and administrators to examine potential and existing pro se partnerships between civil court systems and legal services programs.

## **X. Resource Development**

Substantial new resources are essential to increased access to and availability of services to low-income persons. Level LSC funding, census-related cuts in many program budgets, downturns in IOLTA and state government revenues made this past year one where LSC support for resource development was essential to the vitality of programs and state justice communities.

In 2002, LSC continued to offer technical assistance to lower funded states to increase resources. For example, our funds made it possible for Louisiana to adopt a multi-year development plan, and allowed West Virginia to launch a three-year private bar campaign that secured almost \$300,000 in contributions and pledges prior to kickoff, with the expectation of reaching its goal of \$1.2 million. Collaborative efforts also are yielding gains in other states.

- Pennsylvania civil justice community stakeholders joined to bring about passage of a filing fee surcharge law that will ultimately give about \$7.6 million of annual funding for civil legal aid.
- Delaware state planners collaborated on an endowment fund that will provide long-term support for legal services. It was made possible by Delaware's Combined Campaign for Justice, a coordinated fundraising effort by the state planning committee sponsored by the Delaware State Bar Association and other justice community stakeholders.
- In Virginia, state planners were able to increase filing fee funding by 50 percent and, through the statewide funding planning team, created a statewide funding action plan adopted by the Virginia Statewide Planning Assembly.

## **XI. Pro Bono Enhancement**

One of the most powerful ways to expand client services and support for providers is to engage the private bar in poverty law activities. Historically two barriers have interfered with broad participation in pro bono projects. One is that few lawyers are experienced in poverty law and most are reluctant — without support and assistance — to handle such cases. Second, many private practitioners are unwilling to take a case when the effort it will require is not clearly set forth at the outset. Fortunately, many of these lawyers are willing and able to help in other ways.

### **Websites**

Early indications are that pro bono websites have the potential to address the expertise gap. As currently utilized, a pro bono website has two chief functions. One is to list cases and projects that will benefit from private attorney involvement. The second is to provide resources relevant to the cases and projects listed on the website by making available materials (such as forms and briefing information) relevant to the cases listed on the website and electronic access to experts who will assist the pro bono attorney. The first function acts as a forum for finding volunteers for such activities as consulting on cases, handling economic development transactions or working on intake systems. The second website function supports volunteers who are uncomfortable in a new area of law and need guidance and direction.

### **Special Communities**

LSC administers the grant for the Veterans Consortium Pro Bono Program to make available high quality free legal assistance to litigants before the U.S. Court of Appeals for Veterans Claims who cannot afford the cost of representation. This year through the competitive grants process, LSC awarded a four-year grant to the Veterans Pro Bono Consortium, a national organization that assists veterans with their appeals process by linking them with pro bono attorneys.

### **TIG Initiatives**

In each of the statewide websites supported by TIG funds, there is or soon will be a section committed to pro bono attorneys. The section is modeled after ProBono.Net in New York City, a popular resource that contains substantial information on areas of law relevant to pro bono projects, a calendar for CLE events and forms through which volunteers can pose questions to experts, among other tools. Pro bono attorneys are a valuable asset for low-income people who have legal problems. We want to sustain and grow private attorney engagement by giving volunteers the necessary tools and support. And website pro bono sections are essential to doing so.

## **XII. Intake Enhancement**

Efficient intake systems not only screen clients for eligibility but also give advice, brief service and referral assistance to those who cannot be fully represented. Used well, intake systems offer the promise of increasing assistance to many who are not currently served. LSC staff were struck by the many innovative systems used across the country. In 2002, we took the steps to encourage their growth and improvement through a program letter outlining what we believe to be model intake practices. We also added review of and feedback on intake systems to all of our quality review visits, and, through our technology grants, we made it possible for programs to improve their own systems using the experiences of peers.

### **LSC's Program Letter on Intake**

Our Program Letter on the characteristics of a telephone intake, advice and referral system sets out the attributes of a superb system for grantees to both inform the field and create a set of standards LSC can use during on-site visits and for evaluating grant applications. Intrinsic to the development of the Program Letter, was the input we solicited on exemplary systems from individuals and organizations with special knowledge or experience about the topic.

### **Intake as a Critical Component of Quality Review Visits**

Intake systems are examined during our on-site program quality visits. In 2002, recommendations and requirements issued in the wake of our visits led several programs to substantially modify their intake procedures. One program was told to restructure its capacity

for telephone advice and brief service so that clients would not have to personally come to the office for an intake interview. We strongly encouraged another program to adopt program-wide intake protocols that would make case handling consistent among all offices.

### **TIG Grants Enhancing Intake**

Before a low-income person can receive appropriate legal assistance, that individual has to gain access to legal services system. LSC promotes the use of technology to remove barriers to access by establishing seamless intake systems that cover an entire state. Several 2002 TIG awards, now well underway, targeted intake systems. In Virginia, callers to the statewide toll free number now are not only routed to an intake worker in the program serving their area, but can hear informative recordings on relevant legal topics twenty-four hours a day, in English and Spanish.

Building on last year's grant, the TIG 2002 award to Potomac Legal Aid Society (PLAS) allows the program to reach the area's underserved Asian American community. The ASP database program will enable the Asian Pacific American Legal Resource Center (APALRC) to conduct client intake at their offices of mono-lingual Asian American clients, and then transfer eligibility and case data over the Internet to PLAS if the client needs brief legal advice, or to LSNV for extended representation. Interpreters will be provided by APALRC.

A TIG award to the Northwest Justice Project (Washington) streamlines case referral from CLEAR (the state's telephone intake program) to the state's other legal services providers. Instead of printing out intake forms and faxing them to the other providers, who then must manually enter the data into their systems, intake information will be transferred electronically from one system to the other. The result is an extraordinary savings in staff time and has become a model for other intake systems.

## **XIII. Promoting the Development of Effective Legal Services**

In 2002, LSC also relied on a broader national platform and collaborations with national partners to underline the centrality of new and more effective strategies to expand access and availability of legal services.

- LSC Vice President for Programs Randi Youells tirelessly promoted our message of vigorous and effective justice communities that serve clients across a given state no matter what cultural, geographic or linguistic barriers interfere with their access. She traveled to meetings with local, regional and state grantees, participated in access to justice conferences and responded to international invitations to address legal aid groups. Highpoints of her peripatetic proselytizing in 2002 were:
  - Access to Justice Conference in Montana
  - Community Legal Services 50<sup>th</sup> Year Anniversary (Arizona)
  - Southeast Project Directors Association Conference (New Orleans)

- NLADA Mid-Year and Annual Meetings
  - Native American LSC-Funded Programs Meeting (Milwaukee)
  - Bay Area Legal Services (Tampa)
  - Puerto Rico Access to Justice Meeting
  - Conference of State Court Justice and State Court Administrators (Maine)
  - Ontario Legal Aid Speakers Series (Canada)
  - International Legal Aid Group (Tokyo)
  - Bellow-Sacks Symposium on Self-Represented Litigants (Boston)
  - TIG Conference (Chicago)
  - Access to Justice Meeting (New York City)
- LSC held a conference on building state justice communities for executive directors of state and territory-wide recipient programs. Our goal was to focus executive directors on the fundamentals of planning for client-centered, comprehensive, integrated statewide justice communities. We convened the executive leadership from newly created statewide LSC-funded programs and the experienced leadership of the more historical statewide programs to share observations on challenges and opportunities created by state planning. Thirty-one program representatives attended, and every statewide LSC-funded program but one was represented. Also represented were our grantees in Puerto Rico, Guam and Virgin Islands programs.
- LSC held its Rural Issues and Delivery Symposium in Nebraska last fall. LSC Vice President for Programs Randi Youells and LSC Board Member Maria Luisa Mercado opened the three-day symposium by challenging conferees to help LSC develop practices and policies that guarantee high quality legal services to rural people — whether they are California farm workers, small farmers in the Midwest, migrant workers in the South, or Native Americans on reservations in the Southwest.

Conferees' answers to four questions (how to build collaborative relationships in rural environments; how to balance resources between urban and rural communities; how to achieve world-class delivery systems for rural clients; and how to expand resources for rural delivery) led to a list of broad recommendations for LSC and the legal services community, with particular emphasis on the development of a national voice for rural legal services.

- LSC joined AARP and Management Information Exchange (MIE) to host "Innovations in Civil Legal Services," a workshop at the NLADA Annual Conference in Milwaukee to showcase best practices in the effective delivery of civil legal services to low-income people. We highlighted qualitative improvements in current structures along with innovative approaches to reaching hard-to-reach groups traditionally overlooked by providers. These exemplary practices also were posted on the LSC Resource Library Initiative website (LRI), ensuring easy and public access to information about them.

- Among the TIG staff presentations at the 2002 Equal Justice Conference was the session highlighting several TIG projects in final implementation stage. Two projects were presented: the Ohio Statewide Website ([www.ohiolegalservices.org](http://www.ohiolegalservices.org)) that became the national Kaivo template, and the Ohio Domestic Violence Resource Center ([www.ohiodvresources.org](http://www.ohiodvresources.org)), a website containing document creation software and replete with information specific to victims of domestic violence. The presentation also covered Hawaii's use of videoconferencing to serve clients, New Jersey's voice over IP (VOIP) technology, and Iowa's computer guide for low-income residents.
- TIG staff responded to a request from Jeanne Charn, Director of the Hale and Dorr Legal Services Center at Harvard Law School, to advise the Center on their current technology systems. The daylong meeting at Harvard looked at case management and quality assessment issues, and concluded with hopes for future partnerships between the Center and LSC.
- Over and above the activities described above, TIG staff made presentations at:
  - Harvard Law School — Bellows-Sacks Legal Clinic
  - ABA National Conference of Bar Presidents
  - ABA Techshow
  - Chinese Legal Aid Delegation sponsored by the National Committee on United States-China Relations
- LSC convened a June summit in St. Louis seeking feedback about the TIG program and on broader technology issues. Invited was a representative sample of program grantees and technology experts. We wanted to learn about the TIG program's effectiveness to date, areas for improvement, and ways we could encourage grantees to improve client services through emerging technologies. Deliberations ranged widely and many topics were aired. The report, summarizing the discussions of major issues and how LSC is responding to participants' recommendations, will issue in 2003.

#### **XIV. Legal Work Management and Supervision**

One of best ways to obtain uniformly high quality services is to ensure that grantees' legal work management and supervision is rigorous and effective. Below, we describe our efforts during on-site visits and in the competition process to achieve this goal. We also show how the advocate component of statewide websites promotes effective representation by sharing legal resources and expertise — generally a function of legal work supervisors.

### **Legal Work Management Reviews in Quality Visits**

Legal work management and supervision systems are always on the table when LSC staff conduct an on-site program quality review. In 2002, our reviews resulted in LSC recommending modifications in several programs' legal work management and supervision systems. When LSC staff found that one program lacked an effective way to monitor the quality of its advocates' written legal work, we gave specific directions on how the program could establish a system to ensure high quality written legal work. In another situation, we noted that a program lacked an effective method to monitor the professional growth of new and inexperienced staff. Again, we made specific suggestions on approaches to mentoring these individuals.

### **Legal Work Management in the Competition Process**

Through the competitive grants process, LSC obtains and reviews a substantial amount of data on an applicant's plans and systems for legal work management and supervision, including:

- how cases are assigned and supervised;
- mechanisms to assure that cases and matters are handled in a timely manner;
- mechanisms to assure that clients are kept informed and participate in decisions about their cases;
- mechanisms to assure that case handlers are aware of and comply with the applicant's priorities, the LSC Act and LSC appropriations acts and regulatory requirements;
- plans to ensure the availability of specialized expertise and legal research materials including practice manuals and related materials about substantive poverty law issues; and
- timely information about key judicial, administrative and legislative developments at state and federal levels affecting eligible clients, and appropriate legal strategies to respond to those developments.

### **Legal Work Management through Technology**

The TIG program has directed that a portion of the statewide websites be geared to advocates and their support. The advocate component of the website allows individual lawyers easy access to pro bono and legal services organizations and the support and training needed to represent clients effectively. The advocate component of the website is organized geographically (generally by state or city), by local practice areas and by national practice areas. Each practice area is defined by a substantive area of law (e.g., family law, immigration law, etc.). A leading pro bono or legal services organization "hosts" each geographic and practice area. Organizations are able to use the site's extensive resources to promote and recruit volunteers; they also are invited to contribute content to the site.

Password-protected practice areas that are organized by legal topics allow users to share information online. The advocate's tools include online libraries of training materials, model pleadings and links, a current news page, a training and events calendar, postings of new cases for volunteers, and member-driven listservs. Both the news and calendar pages allow all users to submit their own articles and events. Administrative tools permit host organizations to revise content without a webmaster or significant technical staff.

## **XV. State Planning Body Development**

Since its initial call for state planning in 1995, LSC has urged the broadest possible participation of equal justice community stakeholders to create and empower a permanent statewide body that coordinates civil equal justice related efforts, promotes the expansion of civil equal justice initiatives, and ensures accountability of all partners to a single, galvanizing vision. In 2002, LSC continued to provide technical assistance and pursue activities to help create or strengthen state planning bodies. We also witnessed the fruition of prior efforts.

- The Colorado Legal Services Planning Group, in partnership with the leadership of the Colorado Bar Association and the Colorado Supreme Court, set up a statewide Access to Justice Commission—a formal and permanent planning entity within the legal community.
- LSC underwrote professional facilitation of a kick-off retreat for Montana's designated state planning body that led to the state's first access to justice conference in September. LSC Vice President for Programs Randi Youells was the keynote speaker.
- The Chief Justice of the Supreme Court of Puerto Rico announced the creation of an Access to Justice Commission during LSC's 2002 state planning visit. This fall, the Commission was formally created and members appointed. The Puerto Rico Bar Association will staff the Commission.
- In spring 2002, the State Bar of Georgia Access to Justice Committee launched a state planning effort to strengthen the delivery of civil legal services for the poor. Strategies for achieving their vision include securing more funding for providers, establishing and maintaining programs that meet a range of legal needs, expanding coordination among stakeholders, and fostering public support for the concept of equal access to justice. Action groups will report on ways to improve Georgia's civil legal services system.
- Massachusetts completed a comprehensive statewide client needs assessment, a critical element in their re-energized state planning process.

- In Arkansas, LSC technical assistance funds are allowing the two LSC programs and the Arkansas Bar Association to put in place a permanent access to justice group.
- In Alabama and New York, LSC technical assistance funds have resulted in configuration plans drawn by an expanded community of stakeholders deeply engaged in building permanent and effective state planning bodies.
- In Mississippi, our funds supported the hiring of a professional facilitator.

The effective use of technology to assist clients and improve legal skills does not just happen, it has to be planned. The TIG program specifically addresses the development of state technology plans by providing, through TIG grants, technical personnel needed to assist programs in using technology to deliver services to clients as effectively as possible. In general, our grants support technical personnel directed to deliver a statewide technology plan. Specific grants awarded in 2002 went to North Dakota and Louisiana for technology staff dedicated to helping state planning bodies prepare statewide technology plans. In addition, TIG staff assist our grantees' staff, when asked; one common request is to review resumes of applicants for technology positions to be sure they have the requisite credentials.

## **XVI. National Collaborations**

As the linchpin member of the national civil justice community, LSC regularly joins with its national partners to promote equal access. During 2002, we worked with national colleagues on specific activities.

### **American Bar Association**

LSC is very concerned about the law school debt burden that graduates carry. A recent study found that the students' median law school debt is more than \$84,000 — an amount that does not include the additional undergraduate debt burden that many students bear. This debt burden, coupled with the famously low salaries in the legal services community, dramatically reduces the ability of our grantees to attract and retain high quality new lawyers. LSC has joined with the ABA Commission on Loan Repayment and Forgiveness to study this problem and to recommend solutions.

### **National Center on Poverty Law**

LSC has partnered with the National Center on Poverty Law to provide training to the field on how to use the Internet and other tools to facilitate poverty law research. In addition, we supported the creation of a 250-page Poverty Law Manual that introduces advocates to the fundamentals of poverty law.

### **National Legal Aid and Defender Association**

LSC's work with NLADA continues on many fronts. Collaborative efforts enriched LSC's Resource Library Initiative website. Together we have advocated on behalf of LSC grantees at other federal agencies on issues arising out of other federal grants that the grantees receive.

### **AARP and the Management Information Exchange**

The October launch of LRI was the result of our cooperative endeavors with a host of national organizations — NLADA, AARP Legal Counsel for the Elderly, and MIE. Our productive relationships with these entities led to additional opportunities for information gathering and sharing. For example, as a direct result of our LRI work, we were asked to co-sponsor (with AARP and MIE) the "Innovations in Civil Legal Services" workshop at the NLADA Annual Conference, described in detail above in Promoting the Development of Effective Legal Services.

### **Legal Services Technology Funders Group**

LSC works cooperatively with several national organizations that make technology grants — the Open Society Institute, the National Center for State Courts, and the State Justice Institute. Our joint goal is to coordinate funding efforts to improve the delivery of legal services through the use of technology. In 2002, our activities with the National Center for State Courts led to the award of a TIG grant to our grantee in Maryland to implement a project on pro se resources first conceptualized by the National Center for State Courts.

## **Conclusion**

The past year saw the creation of many projects, the maturation of several young initiatives and the opportunity to take existing efforts to new levels. It has been a very productive twelve months, not without its stresses and disappointments. Overall, the Programs staff is pleased with the progress we have made and believe that our work has led to significant improvements in the opportunities for poor people in our country to access legal services. We are also convinced that our endeavors have strengthened existing legal services delivery systems so that clients now receive legal assistance more appropriate to their current needs and future hopes.

Many years ago, Reginald Heber Smith famously noted that the reason poverty organizations have not "more completely answered the demand of the poor for legal assistance is that they are grossly under financed." That is as true today as it was in 1919. Nonetheless, we believe that our technical assistance funds, TIG awards, LRI resources, our partnerships with national organizations and the many other methods by which LSC extends the resources allocated by Congress to our grantees has ameliorated somewhat the woefully underfunded situation of legal services programs.